FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.47 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.V.Limaye for the Petitioner.
Mr.M.M.Mhatre, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 17/2/2006.

P.C.

1. This petition impugns an order dated 18.5.2004 passed by the Chief Judicial Magistrate, Tasgaon dismissing criminal application No.61/1997. The revision was also preferred against the order dated 18.5.2004 passed by the Chief Judicial Magistrate,Tasgaon.

2. It was the contention of the petitioner husband before the Chief Judicial Magistrate that a second application under Section 125 of Cr.P.C. was not maintainable as the wife has succeeded in an earlier

application filed in the year 1980. The record discloses that after she succeeded in obtaining maintenance under Section 125, a compromise was entered into and in terms of the said compromise, the petitioner had given 20-Are of land to the respondent but had failed to give possession. Ultimately, she was forced to file civil suit and she had obtained decree. The petitioner had preferred second appeal against the said order and the same is pending in this court. It is in these circumstances, two lower courts have held that the second application for maintenance under Section 125 of the Cr.P.C. was maintainable. I find no cause to interfere as there is no perversity in the order. Hence, petition is rejected. Hearing of the application filed by the wife under Section 125 should be decided expeditiously,

(R. S. MOHITE, J.)

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